

September 19, 2016

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Notice of *Ex Parte* Presentation, CG Docket No. 02-278, specifically the Mortgage Bankers Association's Request for Exemption

Dear Ms. Dortch:

This *Ex Parte* Notice relates to a meeting on September 15, 2016 between myself and Julie Murray, an attorney with Public Citizen, and the following FCC staff: David Gosset, Richard Mallen and Scott Noveck of the Office of General Counsel; Kurt Schroeder, Mark Stone, Kristi Thornton, Micah Caldwell, John B. Adams and Alison Kutler of the Consumer and Governmental Affairs Bureau; and Antonio Sweet and Henning Schulzrinne of the Office of Strategic Planning.

During this meeting we discussed the issues covered in the comments opposing the Petition for Exemption by the Mortgage Bankers Association filed on August 26, 2016 by the National Consumer Law Center on behalf of its low-income clients and the following national and state groups:

- Americans for Financial Reform
- Center for Responsible Lending,
- Consumer Action
- Consumer Federation of America
- Consumers Union
- Financial Protection Law Center
- Legal Services of New Jersey
- Indiana Legal Services, Inc.
- Jacksonville Area Legal Aid, Inc.
- National Association of Consumer Advocates
- National Association of Consumer Bankruptcy Attorneys, and
- U.S. PIRG

In summary, we noted that mortgage servicers routinely and blatantly violate the Telephone Consumer Protection Act (TCPA), harassing consumers by making dozens, and sometimes hundreds, of unwanted robocalls, even after repeated requests to stop. Additionally, while do not disagree that mortgage servicers are required to make the contacts outlined in the MBA petition, we do disagree that these contacts are required to be made by robocalls. Indeed, the entire point of every single one of the requirements the MBA

cites is for the servicer to talk to the homeowner to provide relevant information regarding foreclosure avoidance options available to this homeowner. The actual language of each of the requirements for servicers to contact homeowners shows that servicers are required to have conversations with them, to ask questions, and to provide responsive information. Robocalls are not conducive to those real exchanges of information.

We urge the Commission to reject the MBA petition completely. The petitioner has not made a case for abandoning the TCPA's protections for these non-emergency calls. The MBA's members can and should either obtain homeowners' consent to receive robocalls on their cell phones, or simply have a real human manually dial homeowners in order to comply with their regulatory requirements to converse with homeowners.

NCLC's comments can be found in the Commission's electronic filing system here:

[https://ecfsapi.fcc.gov/file/10826118922507/Comments%20to%20FCC%20Opposing%20MBA%20Petition%20on%20Robocalling%20\(8-26-2016\)-FINAL.pdf](https://ecfsapi.fcc.gov/file/10826118922507/Comments%20to%20FCC%20Opposing%20MBA%20Petition%20on%20Robocalling%20(8-26-2016)-FINAL.pdf)

If there are any questions, please contact Margot Saunders at the National Consumer Law Center (NCLC), msaunders@nclc.org (202 452 6252, extension 104).

This disclosure is made pursuant to 47 C.F.R. §1.1206.

Thank you very much.

Sincerely,

/s/

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